

## Article - Education

[\[Previous\]](#)[\[Next\]](#)

§16–305.

(a) The formula used for the distribution of funds to the community colleges in the State shall be known as the Senator John A. Cade Funding Formula.

(b) (1) In this section the following words have the meanings indicated.

(2) “Assessed valuation of real property” means assessed valuation of real property as determined for purposes of the State aid calculated under § 5–202 of this article.

(3) “Board” means:

(i) In a county that has one or more community colleges, the board of community college trustees for the county; or

(ii) Where two or more counties establish a region to support a regional community college, the board of regional community college trustees.

(4) “Community college” means a community college established under this title but does not include Baltimore City Community College.

(5) “County share” means the total amount of money for operating funds to be provided each fiscal year to a board by the county that supports the community college or colleges or, in the case of a regional community college, the total amount of money for operating funds to be provided each fiscal year to the board by all counties that support the regional community college.

(6) “Direct grants” means the sum of the following components of the State share:

(i) Fixed costs;

(ii) Marginal costs; and

(iii) Size factor.

(7) “Full-time equivalent student” is the quotient of the number of student credit hours produced in the fiscal year 2 years prior to the fiscal year for

which the State share is calculated divided by 30, as certified by the Maryland Higher Education Commission.

(8) “Population” means population as determined for purposes of calculating the State share of the library program using the definition in § 23–501 of this article.

(9) “Region” means the counties supporting a regional community college established under Subtitle 2 of this title.

(10) “Small community college” means:

- (i) Allegany College of Maryland;
- (ii) Garrett College;
- (iii) Hagerstown Community College;
- (iv) Carroll Community College;
- (v) Cecil Community College;
- (vi) Chesapeake College; or
- (vii) Wor–Wic Community College.

(11) “State share” means the amount of money for community college operating funds to be provided each fiscal year to a board by the State.

(12) “Student credit hours” means student credit hours, including those earned by a P–TECH student as provided in § 7–1804(c) of this article, or contact hours, which are eligible, under the regulations issued by the Maryland Higher Education Commission, for inclusion in State funding calculations.

(13) “Total State operating fund” means the sum of community college State appropriations for direct grants.

(c) (1) (i) Except as provided in subparagraphs (iii), (iv), and (v) of this paragraph, the total State operating fund per full–time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

1. In fiscal year 2009, not less than an amount equal to 26.25% of the State’s General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the

Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

2. In fiscal year 2010, not less than an amount equal to 23.6% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

3. In fiscal year 2011, not less than an amount equal to 21.8% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

5. In fiscal year 2014, an amount that is the greater of 19.7% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$1,839.47 per full-time equivalent student;

6. In fiscal year 2015, an amount that is the greater of 19.7% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year or \$1,839.47 per full-time equivalent student;

7. In fiscal year 2017, not less than an amount equal to 20.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

8. In fiscal year 2018, not less than an amount equal to 21.0% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the

Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

9. In fiscal year 2019, not less than an amount equal to 22.0% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

10. In fiscal year 2020, not less than an amount equal to 23% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

11. In fiscal year 2021, not less than an amount equal to 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

12. In fiscal year 2022, not less than an amount equal to 27% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and

13. In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year.

(ii) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include:

1. Noncapital appropriations from the Higher Education Investment Fund; and

2. Appropriations, regardless of where they are budgeted, designated for the general operation of 4-year public institutions of higher education in the State, including personnel-related appropriations.

(iii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the total State operating funds to be distributed under this subsection to the community colleges for each of fiscal years 2011 and 2012 shall be \$194,407,432.

(iv) In fiscal year 2013, the total State operating funds for community colleges shall be \$199,176,114, to be distributed as follows:

1. Allegany College..... \$4,773,622;
2. Anne Arundel Community College..... \$27,235,329;
3. Community College of Baltimore  
County..... \$34,398,366;
4. Carroll Community College ..... \$6,851,515;
5. Cecil Community College..... \$4,645,751;
6. College of Southern Maryland..... \$10,902,580;
7. Chesapeake College..... \$5,675,815;
8. Frederick Community College..... \$8,145,648;
9. Garrett College..... \$2,246,709;
10. Hagerstown Community College..... \$6,965,064;
11. Harford Community College..... \$9,990,806;
12. Howard Community College..... \$12,584,485;
13. Montgomery College..... \$35,998,553;
14. Prince George's Community College .... \$22,013,074;
15. Wor-Wic Community College..... \$6,748,796.

and

(v) In fiscal year 2016, the total State operating funds for community colleges shall be \$222,744,620, to be distributed as follows:

1. Allegany College... ..... \$4,850,443;

	2.	Anne Arundel Community College.....	\$28,715,483;
County.....	3.	Community College of Baltimore.....	\$38,637,668;
	4.	Carroll Community College.....	\$7,345,653;
	5.	Cecil Community College.....	\$5,108,064;
	6.	College of Southern Maryland.....	\$13,017,885;
	7.	Chesapeake College.....	\$6,142,473;
	8.	Frederick Community College.....	\$8,975,284;
	9.	Garrett College.....	\$2,561,002;
	10.	Hagerstown Community College.....	\$7,620,412;
	11.	Harford Community College.....	\$10,865,634;
	12.	Howard Community College.....	\$15,723,055;
	13.	Montgomery College.....	\$40,000,786;
and	14.	Prince George's Community College.....	\$26,072,537;
	15.	Wor-Wic Community College.....	\$7,108,241.

(2) The State share shall be distributed to each board and shall be limited by the provisions of subsection (d) of this section.

(3) Subject to subsection (d) of this section, the total State share for each board shall be the sum of:

- (i) The fixed costs component;
- (ii) The marginal costs component;
- (iii) The size factor component; and
- (iv) A hold harmless component.

(4) (i) The funds available for the fixed costs component shall be a set percentage of the year's total State operating fund as follows:

1. For fiscal year 1998, 36% of total funding;
2. For fiscal year 1999, 37% of total funding; and
3. For fiscal year 2000 and each fiscal year thereafter, 38% of total funding.

(ii) The funds available for the fixed costs component shall be divided and distributed to the community colleges in the same proportion in which the direct grants were distributed in the prior fiscal year.

(5) (i) For each board, the marginal costs component shall be the product of the dollar amount per full-time equivalent student multiplied by the number of full-time equivalent students at the board's community college or colleges.

(ii) The dollar amount per full-time equivalent student shall be calculated by dividing 60% of the total State operating fund for the fiscal year by the total number of full-time equivalent students at community colleges statewide.

(iii) In determining the marginal costs component for a board, the number of full-time equivalent students at all campuses and colleges operated by the board shall be added together.

(6) (i) The size factor component shall be 2% of the year's total State operating fund.

(ii) Except as provided in subparagraph (iii) of this paragraph, the funds available for the size factor component shall be divided and distributed equally to each board that operates a community college or colleges at which the total number of full-time equivalent students is less than or equal to 80% of the statewide median.

(iii) 1. Beginning with the first fiscal year that a board no longer meets the eligibility requirements under subparagraph (ii) of this paragraph, the board shall continue to receive a percentage of the size factor component that the board received in the last fiscal year for which the board was eligible, as follows:

- A. 80% for the first fiscal year;
- B. 60% for the second fiscal year;

- C. 40% for the third fiscal year;
- D. 20% for the fourth fiscal year; and
- E. 0% for the fifth and each subsequent fiscal year.

2. The distributions required under subparagraph (ii) of this paragraph shall be made from the remaining funds available for the size factor component after any distributions required under this subparagraph.

(iv) In determining the eligibility of a board for a size factor component, the number of full-time equivalent students at all campuses and colleges operated by the board shall be added together.

(7) (i) A board shall be eligible for a hold harmless component beginning in fiscal year 1998 if the sum of the board's fixed costs, marginal costs, and size factor components for the fiscal year is less than the board's total State share in the prior fiscal year.

(ii) The hold harmless component amount shall be determined by subtracting the sum of an eligible board's fixed costs, marginal costs, and size factor components for the fiscal year from the board's total State share for the prior fiscal year.

(8) Any employer Social Security contributions required by federal law for any employee of a board of community college trustees shall remain the obligation of the employer.

(9) The State contribution to retirement and fringe benefit costs is not included in the calculations of amounts under this subsection.

(d) In each fiscal year, in order for a board to receive an increase in the State share of support or a hold harmless component amount, the county share, in the aggregate, that supports the community college or colleges shall equal or exceed the aggregate amount of operating fund appropriations made to the board by the county or all of the counties supporting the college in the previous fiscal year.

(e) (1) (i) Beginning in fiscal year 1996, a grant in the amount provided in paragraph (2) of this subsection shall be distributed to each board in order to provide instruction and services to students enrolled in an English for Speakers of Other Languages ("ESOL") program.

(ii) To qualify for a grant under this subsection, each participant in the program shall be a student:



1. Born outside of the United States or whose native language is not English;

2. Who comes from an environment where a language other than English is dominant; or

3. Who is an American Indian or Alaskan native and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

(2) (i) Subject to the provisions of subparagraph (ii) of this paragraph, the amount of the grant shall be \$800 times the number of qualified full-time equivalent students who are enrolled in a county ESOL program and at the community college.

(ii) 1. The total amount of the grants under this paragraph may not exceed \$8,000,000 for any fiscal year.

2. If, for any fiscal year, the total amount of the grants calculated under subparagraph (i) of this paragraph would exceed \$8,000,000, then each grant shall be prorated by the amount necessary to reduce the total amount of the grants to \$8,000,000.

(3) (i) If the amount that is appropriated to a board under this subsection for any fiscal year is more than the actual cost of providing ESOL programs to students enrolled at the community college in that county or region, the excess funds shall be paid back to the State and credited to the General Fund of the State.

(ii) A board may not transfer State funds received under this subsection to any other program or category.

(4) Subject to the provisions of paragraph (2) of this subsection, for any fiscal year in which the State appropriation is insufficient to fully fund all grants eligible under this section, the Governor shall include in the budget bill for the following fiscal year a deficiency appropriation to fund all unfunded grants.

(f) (1) Unrestricted grants in the amounts specified in this subsection shall be distributed to the board of each small community college.

(2) Subject to paragraph (5) of this subsection, for fiscal years 2003 through 2018, unrestricted grants shall be distributed as follows:

- (i) \$500,000 to Allegany College of Maryland;
- (ii) \$500,000 to Garrett College;
- (iii) \$500,000 to Hagerstown Community College;
- (iv) \$250,000 to Carroll Community College;
- (v) \$250,000 to Cecil Community College;
- (vi) \$250,000 to Chesapeake College; and
- (vii) \$250,000 to Wor–Wic Community College.

(3) Beginning in fiscal year 2019 and for each fiscal year thereafter, subject to paragraph (5) of this subsection, unrestricted grants shall be distributed as follows:

- (i) \$851,300 to Allegany College of Maryland;
- (ii) \$851,300 to Garrett College;
- (iii) \$851,300 to Hagerstown Community College;
- (iv) \$851,300 to Carroll Community College;
- (v) \$851,300 to Cecil Community College;
- (vi) \$851,300 to Chesapeake College; and
- (vii) \$851,300 to Wor–Wic Community College.

(4) Beginning in fiscal year 2003 and in each fiscal year thereafter, in addition to the amounts specified in paragraph (2) or (3) of this subsection, the boards of Allegany College of Maryland and Garrett College shall receive the following unrestricted grants:

- (i) \$360,000 to Allegany College of Maryland; and
- (ii) \$240,000 to Garrett College.

(5) The grant amounts specified in paragraph (2) or (3) of this subsection shall increase in fiscal year 2004 and each fiscal year thereafter by the same percentage as the percentage increase in funding per full–time equivalent

student to the 4-year public institutions of higher education in the State, as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in that fiscal year.

[\[Previous\]](#)[\[Next\]](#)